

FAIRFAX WATER
Minutes of Board Meeting
January 11, 2024

At 7:11 p.m. on Thursday, January 11, 2024, a Meeting of the Fairfax Water Board was held in the Bill G. Evans Boardroom at 8570 Executive Park Avenue, Fairfax, Virginia, with the following in attendance:

Members: Allin, Begovich, Cammarata, Colleton, Day, Dotson, Ginyard-Jones, Griffin, Roberson, Rubin

Wholesale Customer Representatives: Danziger

Staff: Aranda, Bolton, Dooley, Goldberg, Grimes, Hedges, Kingsbury, Love, B. Miller, S. Miller, B. Nguyen, Oates, Prelewicz, Sinopole, Spiesman

Counsel: Kyle McGee, Grant & Eisenhofer P.A. (attended Closed Session only)

Others:

Upon separate motions duly made, seconded, and unanimously carried, unless otherwise noted, the following actions were taken:

Approval of Minutes

The Board unanimously approved the minutes of the December 14, 2023, Meeting.

Report of the Water Quality & Supply Committee Meeting

Mr. Roberson reported to the Board on the Water Quality & Supply Committee meeting held earlier in the evening. Greg Prelewicz provided an update on the Low Flow Allocation Agreement, PFAS testing and Microplastics. Mr. Roberson also noted that Staff will bring the revised Low Flow Allocation Agreement to the Board for approval at a later date.

Report of the Government Relations Committee Meeting

Mr. Rubin reported to the Board on the Government Relations Committee meeting held earlier in the evening. Preston Bryant provided an update on bills that have been submitted for consideration by the 2024 General Assembly. The Committee also identified a couple of bills that they would like to receive additional information about that may be of special interest to the organization.

Matters by Members

- Mr. Cammarata noted that he would like to add discussion on potential amendments to the Courtesy Leak Adjustment policy to a future Meeting agenda. The Chairman assigned the matter for an upcoming Finance and Audit Committee meeting.
- Mr. Day commented on his lack of satisfaction with the A/V system in the Board room. Mr. Begovich expressed similar dissatisfaction. Staff will continue to work with vendor to make adjustments to the system.

Closed Session

Mr. Begovich moved, with a second by Mr. Rubin, that the Board go into closed session pursuant to Virginia Code Section 2.2-3711(A)7 for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body specifically relating to PFAS related litigation, including the pending multi-district federal litigation, and new home construction in the City of Fairfax, and Virginia Code Section 2.2-3711(A)8 for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, specifically relating to PFAS-related Litigation and Potential Recovery of PFAS-related Costs.

Upon conclusion of the closed session, the open session resumed, whereby Mr. Begovich made a motion, seconded by Mr. Griffin, certifying, in accordance with Section 2.2-3712 of the Virginia Freedom of Information Act that, to the best of each Member's knowledge, (i) only public business matters lawfully exempted from open Meeting requirements under Chapter 37 of Title 2.2 of the Virginia Code, and (ii) only such public business matters as were publicly identified in the motion by which the just concluded closed Meeting was convened were heard, discussed, or considered by Fairfax Water in closed session. This motion was approved, with the following Members voting in the affirmative by roll-call vote: Ms. Ginyard-Jones, Mr. Cammarata, Mr. Day, Mr. Dotson, Mr. Begovich, Chairman Allin, Mr. Roberson, Mr. Rubin, Mr. Griffin, Ms. Colleton. For the record, both Ms. Ginyard-Jones and the Chairman noted Ms. Ginyard-Jones' affirmative vote only applied to the item related to new home construction in the City of Fairfax discussed in Closed Session. Ms. Ginyard-Jones did not participate in the portion of the Closed Session related to PFAS.

Motions Following Closed Session

Mr. Rubin made a motion, seconded by Mr. Dotson, that due to the exceptional urgency of the situation, which precludes use of the usual Ad-Hoc Counsel Committee process, the Board authorize the General Manager, in consultation with the Chairman, to engage alternative legal counsel, as discussed in Closed Session. The motion was approved unanimously.

Matters by Staff

Ms. Hedges addressed the following:

- Noted that Statement of Economic Interest (SOEI) forms are due to Fairfax County by February 1, 2024, for all Board Members.
- Noted example copies of the congratulatory letter sent to all newly elected General Assembly Delegates and Senators, copies of which were provided to each Board Member for reference.
- Referred to a summary prepared for Members of the comments made by customers at the public hearing held on December 14, 2023. Ms. Hedges emphasized that Staff will place the Courtesy Leak Adjustment on the agenda for an upcoming Finance and Audit Committee meeting.
- Provided an update on the January 2, 2024, meeting held between Ms. Hedges, Mr. Kingsbury and Fairfax County staff. The meeting was held to discuss next steps in the discussions with the Town of Vienna and the County's planned application of a County code section which requires the Town of Vienna to justify rates that are higher than Fairfax Water's rates for the customers it serves outside the Town limits. Ms. Hedges noted she will provide further updates as they become available.
- Informed the Board that Staff plans to present on the Cross Connection Control Program, the status of the work plan that Ms. Goldberg has been working on with counterparts at Fairfax

County, and the memo Mr. Griffin discussed at the December 14, 2023, meeting at the Board's Meeting on January 25, 2024.

- Informed the Board that land use applications were filed for the Poplar Heights tank in December 2023.
- Noted that two Committee meetings are anticipated for the January 25, 2024, Board meeting. These Committee meetings include a Bylaws Committee meeting and a Government Relations Committee meeting.
- Reviewed the 2024 General Manager's Priorities.
- Informed the Board that a communication campaign is underway to inform residents and the Fairfax County Board of Supervisors about the upcoming predictive modeling effort, which will identify unknowns within the service line inventory.

Verizon Wireless Lease at Beacon Hill Tank

Ms. Hedges and Ms. Golberg gave a presentation regarding the potential changes to the Verizon Wireless antennae lease on the Beacon Hill tank. Mr. Cammarata motioned, seconded by Mr. Dotson, to accept Staff's proposal to input the agreed upon terms into a lease agreement to be provided to Verizon with the understanding that it is the best and final offer. The motion was approved by an 8-0 vote. Mr. Allin and Mr. Rubin recused themselves from the discussion and vote.

Appropriations

The Board approved an increase in appropriations for fifteen projects totaling \$6,736,015. A detailed description for each project appropriation is included with the Board packet for this Meeting.

Lead Service Line Replacement Plan

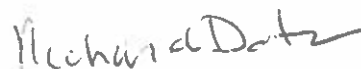
The Board appropriated funds in the amount of \$88,000 to Project 2747, Division 3, and authorized the General Manager to execute a task order with Arcadis in the amount of \$79,974 for a Lead Service Line Replacement Plan.

Transfer of Funds

The Board authorized the transfer of \$84 million from funds held for the credit of the General Fund to the credit of the Improvement Fund. Further, the Board also authorized the General Manager to transfer this amount in installments as needed throughout the year to take full advantage of the investment earnings provisions of the General Trust Indenture. This provision allows earnings in the General Fund to be transferred to the Revenue Fund and to be used in the calculation of coverage.

Adjournment

There being no further business, the Meeting was adjourned at 8:39 p.m.



Richard Dotson, Secretary